



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7
Serial No: 10/006,130 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF AUDREY GODDARD, Ph.D. UNDER 37 CFR 1.131

I, Audrey Goddard, Ph.D. do hereby declare and say as follows:


1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of

the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report and the location of the first nucleotide is marked with "insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.


Audrey Goddard


Date

SV 2037583 v1
6/15/04 3:02 PM (39780.2830)



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Serial No: 10/006,130 Group Art Unit: 1647
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For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131

I, William Wood, Ph.D. do hereby declare and say as follows:

1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full

length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
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14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

William Wood
William Wood

6/14/04
Date

SV 2037583 v1
6/9/04 1:21 PM (39780.2830)

Exhibit A
to Declarations of Audrey Goddard and William Wood under 37 CFR 1.131
GSeqEdit Database Report

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>
>DNA64883 [Full]
>510 Sites [All Sites]
>
>DNA64883 wiw GSeqEdit
>
>DNA64883 zemin GSeqEdit
>
>DNA64883 goddarda GSeqEdit
>
>DNA64883 sheldens GSeqEdit
>HBN64883.seq, sequenced at ABI/ACGT by Peter Ma and Ellison Chen
>human ortholog of implantation-associated protein - Rattus

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          mnlI
          taqI
          xhoI
          tliI
          smlI
          paeR7I mwoI
          tsp509I[M.ecoRI-]
          ecoRI
          apoI mwoI bseRI
          1 CGGAATTGG CTCGAGGAGC GAACATGGCA GCGCGTTGGC GGTTCCTGTG TGTCTCTGTG ACCATGGTGG TGGCGCTGCT CATCGTTTGC GACGTTCCCT
          GCCTTAAGCC GAGCTCCTCG CTTGTACCGT CCGGCAACCG CCAAACCAC ACAGAGACAC TGTTACCACC ACCGCGACGA GTAGCAAACG CTGCAAGGGA
          1
          M A A R W R F W C V S V T M V V A L L I V C D V P S
          ^insert starts here
          ^MET

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mnII
alwNI[dcn-]
alw26I/bsmAI
101 CAGCCTCTGC CCAAGAGAAAG AAGGAGATGG TGTATCTGA AAAGTTAGT CAGCTGATGG AATGGACTAA CAAAAGACCT GTAATAAGAA TGAATGGAGA
GTCGGAGACG GGTTCCTTTC TTCCTCTACC ACAATAGACT TTCCAATCA GTCGACTACC TTACCTGATT GTTTCTGGA CATTATTCTT ACTTACCTCT
27 A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D

bsaXI hpy188I mspAII/nspBII bsmAI
101 CAGCCTCTGC CCAAGAGAAAG AAGGAGATGG TGTATCTGA AAAGTTAGT CAGCTGATGG AATGGACTAA CAAAAGACCT GTAATAAGAA TGAATGGAGA
GTCGGAGACG GGTTCCTTTC TTCCTCTACC ACAATAGACT TTCCAATCA GTCGACTACC TTACCTGATT GTTTCTGGA CATTATTCTT ACTTACCTCT
27 A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D

hpy99I tsp509I nlaIII tspRI bst4CI/hpyCH4III cac8I
201 CAAGTTCCGT CGCCTTGTGA AAGCCCCACC GAGAAATTAC TCGTTATCG TCATGTTTAC TGCTCTCCAA CTGCATAGAC AGTGTGTCGT TTGCAAGCAA
GTTCAGGCA GCGGAACACT TTCGGGGTGG CTCCTTAATG AGGCAATAGC AGTACAAGTG ACGAGAGGTT GACGTATCTG TCACACAGCA AACGTTTCGTT
60 K F R R L V K A P P R N Y S V I V M F T A L Q L H R Q C V V C K Q

ahdI/eam1105I cac8I
201 CAAGTTCCGT CGCCTTGTGA AAGCCCCACC GAGAAATTAC TCGTTATCG TCATGTTTAC TGCTCTCCAA CTGCATAGAC AGTGTGTCGT TTGCAAGCAA
GTTCAGGCA GCGGAACACT TTCGGGGTGG CTCCTTAATG AGGCAATAGC AGTACAAGTG ACGAGAGGTT GACGTATCTG TCACACAGCA AACGTTTCGTT
60 K F R R L V K A P P R N Y S V I V M F T A L Q L H R Q C V V C K Q

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scrFI[dcM-]
pspGI
mvaI
ecoRII[dcM-]
dsaV[dcM-]
bstNI
bssKI[dcM-]
apyI[dcM+]
sau3AI
mboI/ndeII[dam-]
dpnII[dam-]
dpnI[dam+]
alwI[dam-]
bstYI/xhoII
alwNI[dcM-]
alw26I/bsmAII
tsp509I[M.ecoRI-]
ecoRI pflMI[dcM-]
apoI bsII[dcM-]
mboII hpy188III
301 GCTGATGAAG AATCCAGAT CCTGGCAAC CCTGGCGAT ACTCCAGTGC ATTCACCAAC AGGATATTTT TTGCCATGGT GGATTTTGAT GAAGGCTCTG
CGACTACTTC TTAAGGTCTA GGACCGTTTG AGGACCGCTA TGAGGTTCACG TAAGTGGTTG TCCTATAAAA AACGGTACCA CCTAAACTA CTTCGGAGAC
93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

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tsp509I[M.ecoRI-]
ecoRI          hpyCH4V
apoI           ecoNI
sfaNI          nlaIII   aluI
hpy188I        bslI
401 ATGTATTTCATGCTAAACATGAATTCAGCTCCAACCTTTCAATCAACTTTCTCTGCAAAAGGGAACCCAAACGGGGTGATACATATGAGTTACAGGTGCG
TACATAAAGTCTACGATTGCTACTTAAGTCGAGGTGAAAATGAGTTGTTCCCTTTGGGTTTGCCCCACTATGTATACTCAATGTCCACGC
127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI[M.aluI-]
bspCNI         mspI      sau3AI
celII/espl     hpall    mboI/ndeII[dam-]
blpI/bpul102I scrFI[M.hpall-]
aluI           nciI      dpnII[dam-]
pvuII          dsav      dpnI[dam+]
mspAll/nspBII  bssKI    alwI[dam-]          sspI
501 GGGTTTTCAGCTGAGCAGATTGCCCGGTGATCGCCGACAGAACTGATGTCATATTTAGAGTGATTAGA CCCCCAAATTATGCTGGTCC CTTATGTTG
CCCCAAAAGTCGACTCGTCTAACGGGCCACCTAGCGGTGCTCTGACTACTAGTTATAATCTTCACTAATCTGGGGTTTAA TACGACCAGG GGAATACAAC
160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

taqI           aluI
sfuI           tseI
bstBI          fnu4HI/bsoFI
bsiCI          tsp509I   tru9I   mseI   bsrI   bbvI
bael           mboII  mboII  apoI   mwoI hpyCH4V
601 GGATGCTTTTGGCTGTTATGGTGGACITGTGTATCTTCGAAGAAGTAAATATGGAATTTCTCTTTAATAAACTGGATG GCTTTTGCA GCTTTGTGTT
CCTAACGAAAACCGACAATAACCACCTGAAACATAGAGCTTCTTCATTATACCTTAAAGAGAAATTTATTTGACCTAC CCGAAAACGT CGAAACACAA
193 G L L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

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[illegible]

bsmFI
 sau96I
 nlaIV
 avall
 tru9I ppuMI
 aluI hpy188I mseI eco0109I/draII
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 TACCGATGGG TATGTCGAAA GACTACTCAA TTTTTCAGG GTCTCTATAT ATCTGTGACC TCATGACCTT TAACTTTTTG CTTTATAGCAC ACACAAACTT
 327 G Y P Y S F L M S O

bsmI
 mboII hpyCH4V
 1101 AAGAGAATG CAACTGTAT ATTTGTATT ACCTCTTTT TTCAAGTGAT TTAATAGTT AATCATTTAA CCAAAGAGA TGTGTACTGC CTTAAACAAGC
 TTCTTCTTAC GTTGRACATA TAAACATAA TGGAGAAAAA AGTTCACTA AATTATCAA TTAGTAAAT GGTTCCTCT ACACATCAGG GAATTGTTCG

mnII
 ddel
 bspCNI
 hpy188I
 1201 AATCCTCTGT CAAAATCTGA GGTATTGAA AATAATTATC CTCTTAACCT TCTCTTCCCA GTGAACTTTA TGGACATTT AATTAGTAT
 TTAGGAGACA GTTTTAGACT CCATAAACTT TTATTAATAG GAGAATTGGA AGAGAAGGT CACTTGAAT ACCTTGTAAT TTAATTCATA

psiI tsp509I
 1301 ATTATAAAAA TTGTAAAACT ACTACTTTGT TTAGTTAGA ACAAGCTCA AACTACTTT AGTTAACTTG GTCATCTGAT TTTATATTGC CTTATCCAAA
 TAATAATTTT AACATTTTGA TGATGAAACA AAATCAATCT TGTTCGAGT TTTGATGAAA TCAATTGAAC CAGTAGACTA AAATATAACG GAATAGGTTT

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scrFI[dcm-]
pspGI
mvaI
ecoRII[dcm-]
dsaV[dcm-]
bstNI
bssKI[dcm-]
apyI[dcm+]
sexAI
hpy188III
1401 GATGGGGAAA GTAAGTCCTG ACCAGGTGTT CCCACATATG CCTGTTACAG ATAACATACAT TAGGAATTCA TTCTTAGCTT CTTCATCTTT GTGTGGATGT
CTACCCCTTT CATTCAGGAC TGGTCCACAA GGGTGTATAC GGCAATGTC TATTGATGTA ATCCTTAAGT AAGNATCGAA GAAGTAGAAA CACACCTACA
tsp509I[M.ecoRI-]
xmnI
ecoRI
asp700
apoI
dclI[M.aluI-]
fokI
mboII
aluI
mslI
bstF5I
tail
hgIAI/aspHI
bspI286
hpy188I
mboII
bsiHKA I
maeII/hpyCH4IV
eco57I
aflIII
maeI
bspC
mboII
bmyI
btrI
bfaI
mnlI
1501 GTATACITTA CGCATCTTTC CTTTIGAGTA GAGAAATTAT GTGTCTCATG TGGTCTTCTG AAAATGGAAC ACCATTCTTC AGAGCACACG TCTAGCCCTC
CATATGAAT GCGTAGAAG GAAAACTCAT CTCTTTAATA CACACAGTAC ACCAGAAGAC TTTTACCTTG TGGTAGAAG TCTCGTGTGC AGATCGGGAG

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[illegible]

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pspGI
mvaI
ecoRII[dcM-]
dsaV[dcM-]
bstNI
haeIII/palI
mscI/balI[dcM-]
eaeI[dcM-]
cfrI
scrFI[dcM-]
pspGI
mvaI bssKI[dcM-]
ecoRII[dcM-] tsp45I
dsaV[dcM-] . maeIII
bstNI hinPI
bssKI[dcM-] tspRI
pleI bslI[dcM-] hhaI/cfoI
mlyI bsaJI apyI[dcM+]
hinFI apyI[dcM+] btsI
dclI bspCNI
1901 AAGAGAAAAA TAGGCTCAGT TAGAAAAGGA CTCCTGGCC AGGCGCAGTG ACTTACGCCT GTAATCTCAG CACTTTGGGA GGCCAAGGCA GGCAGATCAC
TTCTCTTTT ATCGGAGTCA ATCTTTTCTT GAGGACCGG TCCGGCTCAC TGAATGCGGA CATTAGAGTC GTGAACCCCT CCGTTCCGT CCGTCTAGTG
dclI bspCNI
styI cac8I
haeIII/palI
mnlI bsaJI
dclI bspCNI
mboI/nd
dpmII[d
dpmI[da
bssS
hpy18
sau3AI

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mscI/balI[dcn-]
eaeI[dcn-]
scrFI[dcn-]
pspGI
mvaI
ecorII[dcn-]
dsaV[dcn-]
bstNI
bsmAI bssKI[dcn-]
taqI fokI cfrI nlaIII bsmAI
hpy188III bsaI bstF5I haeIII/palI esp3I
nmlI hpy188III apyI[dcn+] hphI bsmBI
2001 GAGGTCAGGA GTTCGAGACC ATCCTGGCCA ACATGGTGAA ACCCGGTCTC TACTAAAAAT ATAAAAATTA GCTGGGTGTG GTGGCAGGAG CCTGTAATCC
CTCCAGTCCT CAAGCTCTGG TAGGACCGGT TGTACCACTT TGGGGCAGAG ATGATTTTAA TATTTTAAAT CGACCCACAC CACCGTCTC GGACATTAGG
nlaIV
scrFI[dcn-]
pspGI
mvaI
ecorII[dcn-]
dsaV[dcn-]
bstNI
sau3AI btsI
mboI/ndeII[dam-]
dpnII[dam-] hpyCH4V
dpnI[dam+] bsgI bpmI/gsuI[dcn-]
tspRI
hpy188III
dcl dcl
bspCNI hinfI
nmlI mmlI bssSI
alul
2101 CAGCTACACA GGAGGCTGAG GCACGAGAAAT CACTTGAAC TACGAGATGG AGGTTTCAGT GAGCGGAGAT CAGCCCACTG CACTCCAGCC TGGCAACAGA
GTGCGATGTGT CCTCCGACTC CGTGCTCTTA GTGAACCTGA GTCTCTTACC TCCAAAGTCA CTCGGGTCTA GTGCGGTGAC GTGAGGTGCG ACCGTTGTCT

